

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**WRIT PETITION NO.2420 OF 2019**

Mr. Mahendra Prasad Yadav and Ors. ... Petitioners

Versus

The State of Maharashtra and anr. ... Respondents

**WITH**  
**WRIT PETITION NO.2421 OF 2019**

Mr. Ramsabad Ramjatan Yadav and Ors. ... Petitioners

Versus

The State of Maharashtra and anr. ... Respondents

Mr. Jacob David Manoharan for the petitioners in WP No. 2420 of 2019.

Ms. Reena Ronold for the petitioners in WP No. 2421 of 2019.

Mr. K.V. Saste and Smt. S.D. Shinde, APP for the respondent State.

**CORAM : B.P. DHARMADHIKARI &**  
**SMT. SADHANA S. JADHAV, JJ.**  
**DATE : NOVEMBER 26, 2019**

**P.C.:**

The parties are jointly requesting to quash and set aside the FIR lodged by them against each other. Respondent no.2 In WP No.2420 of 2019 is petitioner no. 2 in WP No. 2421 of 2019.

2. Parties are present in Court. Petitioner No. 3 Vimlesh Yadav

in WP No. 2420 of 2019 is away and likely to return after three weeks.

3. The quarrel between the parties is arising because of choked up gutter and attempt to clean it. It appears that respondent no. 2 had lodged police complaint on 6/1/2019 pointing out how he was obstructed and quarrel ensued when he wanted to clear the gutter. Offence under sections 392, 324, 323, 504, 506(2), 143, 147 and 149 IPC are registered vide FIR No. 13 of 2019 dated 6/1/2019.

4. In relation to the very same incident, the petitioners in WP No. 2420 of 2019 have lodged a report which is dated 6/1/2019 only and they blame respondent no.2 and his family for it. The offences registered are identical. Section 427 IPC is the addition. The said FIR is bearing No. 14 of 2019.

5. In the Court, parties have expressed regret for their conduct and promised not to indulge in similar behaviour again. Parties do not have any criminal antecedents.

6. In this situation, though learned APP is objecting, as we find that nothing fruitful will come out of the prosecution and quashing will further the peace and tranquility in the area, we are willing to exercise our extra ordinary jurisdiction. We grant to petitioners in both the petitions, time of two weeks to file with

the registry of this Court their short undertakings on affidavit to maintain law and order and not to breach peace in any way in future. Petitioner Vimlesh Yadav in WP No. 2420 of 2019 is given time of four weeks to submit the said undertaking. Copies of these undertakings shall also be supplied to Kurar Police Station.

7. Subject to compliance with the above directions, we make the rule absolute in terms of prayer clause (a) in both the petitions and the same are accordingly disposed of.

**(SMT. SADHANA S. JADHAV, J.)**

**(B.P. DHARMADHIKARI, J.)**